

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

BOBBY N. MCCARTY

PLAINTIFF

VS.

Civil Action No. 3:06-CV-177-HTW-LRA

CANADIAN NATIONAL/
ILLINOIS CENTRAL RAILROAD

DEFENDANT

FINAL JUDGMENT

Before this court is the motion of the defendant for summary judgment. After consideration of the motion, evidence offered in support of the motion, and the memoranda of the parties, the court finds that the motion of the defendant is well taken and should be granted. The Order Granting Summary Judgment entered by this court on March 26, 2008, is incorporated by reference. For the reasons assigned in the court's Order Granting Summary Judgment, the court concludes that judgment should be entered in favor of the defendant and against the plaintiff and that the defendant should be awarded its costs.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the complaint be, and it is hereby DISMISSED WITH PREJUDICE in accordance with this court's Order Granting Summary Judgment at the cost of the plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED that the defendant is entitled to recover its taxable costs in this action upon filing a Bill of Costs in the time and manner prescribed.

SO ORDERED AND ADJUDGED, this the 26th day of March, 2008.

**s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE**